

WEDNESDAY, APRIL 6, 1988

SEVENTY-NINTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Joseph Gordon, St. Joseph House of Prayer, Knoxville, Tennessee, guest of Representative Pete Drew.

Representative Pete Drew led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 92

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

The Speaker announced that Representative Ivy was excused because of an out-of-state meeting.

The Speaker announced that Representative Jared was excused because of personal business.

PRESENT IN CHAMBER

Rep. Clark was recorded as being present in the Chamber.

RULES SUSPENDED

Rep. Robinson (Davidson) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 674 out of order, which motion prevailed.

House Joint Resolution 0674 -- Memorials, Public Service -- Honors Dr. Wendell W. Wilson on professional accomplishments and career of public service. by *Robinson Robb, *West.

On motion, the rules were suspended for the immediate consideration of the resolution.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

On motion of Rep. Robinson (Davidson), the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Robinson (Davidson) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 675 out of order, which motion prevailed.

***House Joint Resolution 0675** -- Memorials, Public Service -- Honors Dr. Edward Bullock Rhea on professional accomplishments and career of public service. by Robinson Robb, *West.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Robinson (Davidson), the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 0101** -- Administrative Procedure Rules and Regulations -- Enacts "Government Regulation Reform Act of 1987". Amends TCA Titles 1 - 70. Amends TCA, Titles 1, 70.

Further consideration of House Bill No. 101, previously considered on April 9, April 16 and April 30, 1987. On April 16, Amendments Nos. 1, 2, 3 and 4 were adopted.

Rep. Naifeh moved that House Bill No. 101 be reset on the Calendar for last day of this year's session, which motion prevailed.

House Bill No. 2316 -- Mines, Mining -- Revises procedures for filing dormant mineral interests. Amends TCA, Title 66, Ch. 5, Pt. 1; Title 67, Ch. 5, Pt. 8.

On motion, House Bill No. 2316 was made to conform with Senate Bill No. 1750.

On motion, **Senate Bill No. 1750**, on same subject, was substituted for House Bill No. 2316.

Rep. Duer moved passage of Senate Bill No. 1750 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

***House Bill No. 1645 -- Banks and Financial Institutions --** Requires refunds of unearned interest on prepayment loans over a certain amount when the original term was more than 61 months to be no less than those computed by the actuarial method. Amends TCA 45-5-402.

On motion, House Bill No. 1645 was made to conform with Senate Bill No. 1921.

On motion, **Senate Bill No. 1921**, on same subject, was substituted for House Bill No. 1645.

Rep. Tanner moved passage of Senate Bill No. 1921 on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 1721 -- Taxes -- Requires claim for refund of petroleum products tax for products exported outside of state to be filed within one year of export. Amends TCA 67-3-910.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

On motion, House Bill No. 1721 was made to conform with Senate Bill No. 1876.

On motion, **Senate Bill No. 1876**, on same subject, was substituted for House Bill No. 1721.

Rep. Tanner moved passage of Senate Bill No. 1876 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 2393 -- Sunset Laws -- Provides expedited sunset review of certain regulatory boards. Amends TCA, Titles 4, 9, 62, 63.

On motion, House Bill No. 2393 was made to conform with Senate Bill No. 2400.

On motion, **Senate Bill No. 2400**, on same subject, was substituted for House Bill No. 2393.

Rep. Scruggs moved passage of Senate Bill No. 2400 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May,

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

***House Bill No. 1700 -- Taxes, Hotel Motel --** Authorizes municipalities to levy privilege taxes on hotel occupancy. Amends TCA, Title 67.

Further consideration of House Bill No. 1700, previously considered on March 7, 9 and 23, 1988.

Rep. Davis (Cocke) moved that House Bill No. 1700 be passed on third and final consideration.

Rep. Davis (Cocke) moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1700 by deleting subsection (f) of Section 2 in its entirety and by substituting instead the following:

(f) "Municipality" means an incorporated city which has adopted home rule in accordance with Article XI, Section 9 of the Constitution of Tennessee.

AND FURTHER AMEND by deleting Section 13 in its entirety and by renumbering subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1700 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. The provisions of this act shall not apply in any county having a population of not less than 287,700 nor more than 287,800 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Thereupon, Rep. Davis (Cocke) moved that House Bill No. 1700, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0439 -- Pensions and Retirement Benefits -- Authorizes certain officials who worked under certain federal grants to establish time as creditable service upon payment of back contributions. Amends TCA, Title 8, Ch. 34.

Rep. Bewley moved that House Bill No. 439 be passed on third and final consideration.

Rep. Bragg moved to amend as follows:

Amendment No. 1

Amend House Bill No. 439 by deleting the amendatory language of Section 1 and inserting instead the following:

Section _____. Any attorney general who was transferred from the state payroll to a full-time county Law Enforcement Administration Career Criminal grant position and subsequently transferred directly back to the state payroll, may establish retirement credit for the period of service in the grant position, provided that the member has remained in service as an attorney general with no break in continuous service longer than one (1) year. Such attorney general may establish retirement credit for such service rendered upon a payment of the necessary back contributions and interest based on the salary he would have received had he remained on the state payroll as a full-time assistant district attorney.

On motion, Amendment No. 1 was adopted.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Rep. Bragg moved to amend as follows:

Amendment No. 2

Amend House Bill No. 439 by redesignating the existing Section 2 as Section 3 and by adding the following amendatory language as the new Section 2:

Section 2. Implementation of the provisions of this Section shall be subject to the funding being provided in the General Appropriations Act.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Bewley moved that House Bill No. 439, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

Representative present and not voting was: Long -- 1.

A motion to reconsider was tabled.

House Bill No. 1497 -- Pensions and Retirement Benefits -- Provides for certain service as a volunteer firefighter to be included as creditable service for retirement purposes. Amends TCA, Title 8.

Rep. Bivens moved that House Bill No. 1497 be passed on third and final consideration.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Rep. Bragg moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1497 by deleting the current provisions of Section 1 and substituting the following:

Section 1. Tennessee Code Annotated, Title 8, Chapter 35, Part 2, is amended by adding a new section thereto as follows:

() A full-time fireman employed by a city participating under the provisions of this Part shall be eligible to claim retirement credit for service to that employer as a volunteer fireman upon satisfaction of all the following terms and conditions:

(1) The political subdivision began participating in the TCRS effective July 1, 1972;

(2) Provided, the chief legislative body of the political subdivision passes a resolution authorizing an actuarial study determining the liability associated with such service and accepting responsibility for the costs of such study;

(3) Provided, following receipt of the actuarial study, the political subdivision passes a resolution prior to July 1, 1989 authorizing employees to establish credit for such service and accepting the liability therefor;

(4) In order to be eligible to claim such service an employee must have been a member of the retirement system for at least one year prior to passage of the authorizing resolution as required in subdivision (3) of this section;

(5) The member shall receive the equivalent one (1) year of retirement credit for each three (3) years of service as a volunteer fireman;

(6) The member must make a lump sum payment equal to five percent (5%) of his current annual salary for each year of service to be credited;

(7) Such credit must be claimed and paid for within one (1) year following passage of the resolution required by subdivision (3) of this section; and

(8) Such credit shall be credited as Group I service in the retirement system.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bivens moved that House Bill No. 1497, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Ayes.	95
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 2349 -- Aged Persons -- Directs governor to appoint certain persons to certain boards, commissions, committees, and governing or advisory entities of state government. Amends various sections of TCA.

Rep. Davis (Knox) moved that House Bill No. 2349 be passed on third and final consideration.

Rep. Davis (Knox) moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2349 by deleting the words "governor shall insure" wherever they appear and by substituting instead the words "governor shall strive to insure".

AND FURTHER AMEND by deleting the words "commissioner shall insure" wherever they appear and by substituting instead the words "commissioner shall strive to insure".

On motion, Amendment No. 1 was adopted.

*Thereupon, Rep. Davis (Knox) moved that House Bill No. 2349, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 95.

A motion to reconsider was tabled.

House Bill No. 2417 -- Insurance Companies, Agents, Brokers -- Establishes new licensing requirements for insurance agents. Repeals TCA 56-6-101--129.

Rep. Tanner moved that House Bill No. 2417 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

• ***House Bill No. 1956 -- Fees -- Authorizes imposition of impact fees.**

Rep. Bushing moved that House Bill No. 1956 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1956 by deleting all language following the enacting clause in its entirety and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee Cooperative Public Facilities Financing Act."

SECTION 2. It is the intent and purpose of this act to:

- (1) Authorize local government to finance public facilities through the imposition of fair share fees on new growth and development;
- (2) Provide a mechanism for a local government to charge and collect fees from development in order to finance public facilities needed to serve said development;
- (3) Define the procedural and substantive requirements for fair share impact fees for capital costs of public facilities which are provided for in an element of a local government general plan;
- (4) Ensure consistent administration of fair share impact fees;
- (5) Promote effective comprehensive planning and capital budgeting by authorizing the use of fair share impact fees;
- (6) Clarify requirements of local government fair share impact fee programs and thereby create a stable and predictable environment in which to equitably and efficiently administer fair share impact fee programs.

SECTION 3. As used in this act, the term:

- (1) "Benefit district" means a geographic area in which public facilities are of particular benefit to development within the area.
- (2) "Capital Improvements Budget" means a program of proposed capital expenditures for the ensuing fiscal year and at least the next four (4) fiscal years thereafter, updated and adopted yearly by the local government governing body.
- (3) "Development" means any construction or expansion of a building or structure, any change in the use of a building or structure, or any land use change that affects a local government's need for public facilities.
- (4) "Developer" means any person, corporation, organization, or other legal entity undertaking development.

- (5) "Discount rate" means the interest rate, expressed in terms of percentage per annum, which is utilized to adjust past or future financial or monetary payments to present value.
- (6) "Exactions" means a condition or requirement attached to a development approval which compels the payment, dedication or contribution of goods, services, land or money to a public or quasi-public entity.
- (7) "General plan" means a plan adopted pursuant to Tennessee Code Annotated, Sections 13-3-301 and 13-4-201, or pursuant to Section 6 of Chapter 162 of the Private Acts of 1921, Section 3 of Chapter 706 of the Private Acts of 1935, or any similar private act.
- (8) "Governing body" means the legislative body of the local government, however designated.
- (9) "Impact fee" or "fair share impact fee" means a charge imposed upon development by local government to pay for a proportionate share of the public facilities required to serve said development.
- (10) "Local government" means any county, municipality or metropolitan government established pursuant to law which is authorized to prepare, adopt and implement a general plan.
- (11) "Off site improvements" means public facilities that are planned and designed to provide services to the general public, in contrast to on site improvements, which are necessary to provide safe and/or efficient access for a specific development. The character of an improvement shall control in determining whether an improvement is an on site or off site improvement, and the location of the improvement on site or off site shall not be determinative.
- (12) "Present value" means the current value of past, present, or future payments which are adjusted to a base period by a discount rate.
- (13) "Proportionate share" means that share, or portion, of total public facility capital cost which is reasonably attributable to or caused by an individual development.
- (14) "Public facilities" means capital improvements for roadways, sanitary sewer, storm water management and flood control, and potable water which have a life expectancy of three (3) or more years.
- (15) "Public facilities capital costs" means capital costs associated with the project planning, design, and construction of new or expanded publicly owned facilities and equipment which have a life expectancy of three (3) or more years, and the land acquisition, land improvement, design, and engineering related thereto. Such costs do not include routine and periodic maintenance expenditures, personnel training, or other operating costs.

(16) "Roadways" shall mean right-of-way acquisition, road, road approaches and road shoulder construction, construction of curbs, gutters and sidewalks, landscaping of roads and road rights-of-way and traffic signal installation and synchronization.

SECTION 4.

(a) Local governments of the state of Tennessee may assess, impose, levy, and collect fair share impact fees for new development within their jurisdictional limits only pursuant to the requirements set forth in this act. Local governments may not assess, impose, levy, or collect a fair share impact fee unless the local government has adopted a capital improvements budget for the construction of public facilities for which the impact fee is collected or unless such local government has entered into a binding co-operative agreement to make any fees collected available to the agency or government that has an established construction program for the category of improvements.

(b) Fair share impact fees may be imposed only for one or more public facilities which are categorically identified in a local government general plan element which meets the requirements of Tennessee Code Annotated, Sections 13-3-301 and 13-4-201 or pursuant to Section 6 of Chapter 162 of the Private Acts of 1921, Section 3 of Chapter 706 of the Private Acts of 1935, or any similar private act and in the Capital Improvements Budget.

(c) In any county or in counties having a Metropolitan form of government and having municipalities which retained the jurisdiction to issue building permits, that county or metropolitan government shall identify the public facilities capital improvements located within such municipality and to be funded by that county or metropolitan government. From and after the time that such county or metropolitan government adopts an impact fee ordinance including the public facilities required to serve any new development within such municipality, the municipality shall not issue any building permit or use and occupancy permit until the required impact fee is paid to that county or metropolitan government and such payment is certified to the municipality. Any permits issued by such municipality not in compliance with this section shall constitute an obligation of the municipality to that county or metropolitan government in the amount of the impact fee plus the statutory rate of annual interest calculated from the date of the issuance of the permit. This section does not preclude any municipality within a county or metropolitan government from adopting an impact fee ordinance in accordance with this act for those public facility capital improvements required and funded by such municipality.

SECTION 5. In the event a local government adopts a fair share impact fee ordinance, pursuant to this act, the local government shall not require the construction of, or payment in lieu thereof (exaction), any off-site public facilities as a condition of development approval except according to a fair share impact fee program adopted pursuant to the provisions of this act.

SECTION 6.

(a) An impact fee must meet the following standards:

(1) The cost of public facilities for which a fair share impact fee may be assessed, imposed, levied or collected, must be reasonably attributable or reasonably related to the service demands of the development which is assessed the fee;

(2) Fair share impact fees assessed, imposed, levied or collected from development must not exceed a proportionate share of the costs incurred or to be incurred by the local government in providing public facilities to development; and

(3) Fair share impact fees shall be used and expended to the benefit of the development that pays the fair share impact fee. In order to satisfy this requirement, the implementing ordinance or resolution must specifically contain the following provisions:

(A) Upon collection, fair share impact fees must be deposited in a trust fund which clearly identifies the type of public facility for which the fee was imposed, and fair share impact fees must be invested with all interest accruing to the trust fund.

(B) Although local governments are not required to establish benefit districts if the local government is able to demonstrate that fair share impact fees are used and expended to the reasonable benefit of development that pays a fair share impact fee, any benefit districts which are established must be appropriate to the nature of the particular public facility and the nature of the local government jurisdiction. A local government must develop a rationale for the establishment of, or lack of establishment of, benefit districts which shall be reduced to writing and published at a public hearing.

(C) Except for recoupment provided in Section 6(b), fair share impact fees may not be collected from a development until public facilities, which bear a reasonable relationship to the needs created by the development, are included in at least a five (5) year local government capital improvements element as required by this act.

(D) Fair share impact fees collected must be encumbered for public facilities within five (5) years after the date of collection.

(E) If the fair share impact fees are not encumbered within five (5) years after the date of collection, a local government shall refund the amount of the fair share impact fee along with accrued interest on the amount of the fee at the average annual rate of interest earned by the trust fund during the five (5) year period to the owner of the property on which the fee was paid. For purposes of refunds, the owner of the property on which a fair share impact fee was paid is the owner of record at the time that the refund is paid. The owner of the property on which an impact

fee has been paid has standing to sue for a refund under the provisions of this act; however, such action may only be commenced within one (1) year after the date the refund becomes due and payable.

(b) A local government may recoup through a fair share impact fee the costs of excess capacity in existing public facilities to the extent development is served by existing public facilities.

(c) A local government shall exempt from fair share impact fee programs all development that constitutes affordable housing to low income households as defined by the United States department of housing and urban development.

(d) A local government may exempt from fair share impact fee programs particular types and locations of development that is determined to serve an overriding public interest, provided that such exemptions are specified in the implementing ordinance or resolution.

SECTION 7.

(a) A local government which desires to adopt a fair share impact fee ordinance or resolution shall first conduct a needs assessment for the type of public facility or public facilities for which the fair share impact fee is to be levied. The needs assessment must distinguish between existing deficiencies and new development needs and must contain components which inventory existing facilities, identify level of service standards for which the fee is to be levied, and the projected community needs. The needs assessment may be a separate document from an ordinance or resolution establishing a fair share impact fee. However, local governments shall use or base the needs assessment upon supporting data used to develop their general plan.

(b) The data sources and methodology upon which the assessment of the fair share impact fee is based must be made available to the public upon request.

(c) The amount of a fair share impact fee imposed shall be based upon actual public facilities capital costs or reasonable estimates of said capital costs for the expansion of public facilities to be incurred by the local government as a result of anticipated new development.

(d) In determining the total amount of funds a fair share impact fee ordinance or resolution seeks to raise, the local government shall reasonably provide for credits that reflect the present value of amounts that new development may have contributed to payments for the same capital improvement in the form of property taxes, gasoline taxes, capacity fees, tap-on fees, user fees, and any other contribution, payment, construction, or dedication of land accepted and received by the local government for any off-site public facilities. The determination of credits shall occur at the time of the calculation of the

amount of the fair share impact fee. The method for calculating credits and the calculation of the amount of the fair share impact fee shall be reviewed and updated at least every two (2) years. The revised determination of credits and the amount of fair share impact fee may only be applied prospectively.

(e) The fair share impact fee ordinance or resolution must identify, for the type of facility covered by the fee, any existing deficiencies, based upon adopted level of service standards, and must describe how the local government intends to remedy the deficiency.

(f) The amount of the fair share impact fee may not include the cost of remedying existing public facilities deficiencies.

(g) The capital improvements element of the general plan shall list anticipated fair share impact fee revenues as a projected source of revenue along with the percentages of fair share impact fee dollars to be used for funding public facility capital improvements.

(h) Nothing in this section shall be construed to prevent a local government from adopting by ordinance or resolution, a statement of intent to prepare, or a methodology for preparing a proposed fair share impact fee ordinance or resolution prior to the completion of a needs assessment, or the adoption of a level of service standard or a capital improvements budget.

SECTION 8.

(a) All fair share impact fees imposed pursuant to this act shall be assessed in full at the time the building permit is issued and collected in full at the time of issuance of a certificate of occupancy or other final intended use of a structure or part thereof. Provided however, that the local government, at its option, may provide for payment of a fair share fee on an installment basis. All fair share impact fee ordinances shall require that real estate closing documents involving a parcel of land or improvements thereon for which a fair share impact fee has been assessed or paid within five (5) years of the closing, shall include a written notification of the fact that a fair share impact fee has been assessed and/or paid and the location of a public office where information in regard to the rights and obligations arising from the assessment and/or payment of the fee can be obtained.

(b) No fair share impact fee ordinance or resolution shall assess, impose, levy, or collect a fair share impact fee on development for which a valid building permit was in full force and effect on the effective date of the ordinance or resolution, unless the local government shall have provided the holder of the permit written notice at the time the permit was issued that the development authorized by the permit would be liable for any fair share impact fees that are adopted prior to the issuance of a certificate of occupancy or other final use.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

SECTION 9. Fair share impact fee ordinances or resolutions shall provide for an appeal from a determination of the fair share impact fee to be paid by any individual development to an appointed or elected body.

SECTION 10. The provisions of this act shall not supersede any private act, resolution or ordinance in effect on the effective date of this act which authorizes any county, or any municipality within such county, to levy and collect impact fees against new land development, or privilege or adequate facilities tax on new development.

SECTION 11. If any section or specific provision or standard of this act is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision or standard of this act except the provision in question. The other portions of this act not affected by the decision of the court shall remain in full force and effect.

SECTION 12. The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Bushing moved to amend Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

Amend Amendment No. 1 to House Bill No. 1956 by adding the following sentence at the end of subdivision (10) of Section 3:

"Local government" shall not mean any utility district created pursuant to Section 7-52-101 et seq., or any private act.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Miller moved to adopt Amendment No. 1, as amended, which motion prevailed.

Rep. Miller moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1956 by deleting from subsection (i) of SECTION 4, as amended the word "insure" and substituting instead the word "ensure".

On motion, Amendment No. 2 was adopted.

Rep. DePriest moved to amend as follows:

Amendment No. 3

Amend House Bill No. 1956 by adding the following new section immediately preceding the severability section and by renumbering the subsequent sections accordingly:

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Section _____. The provisions of this act shall not apply in counties having a population of

not less than

27,900

26,400

19,650

nor more than

27,920

26,500

19,725

On motion, Amendment No. 3 was adopted.

Rep. Frensley moved to amend as follows:

Amendment No. 4

Amend House Bill No. 1956 by adding the following language as a new section immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION _____. This act shall only apply to any county having a metropolitan form of government and having a population in excess of four hundred fifty thousand (450,000), according to the 1980 federal census or any subsequent federal census.

Rep. Bushing moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes.....	25
Noes.....	63
Present and not voting.....	4

Representatives voting aye were: Bell, Burnett, Bushing, Clark, Cross, Davidson, DeBerry, Dixon, Ellis, Garrett, Herron, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Love, Odom, Pruitt, Purcell, Tankersley, Turner, L. (Shelby), West, Wheeler, Williams -- 25.

Representatives voting no were: Bewley, Bivens, Bragg, Buck, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Drew, Duer, Frensley, Good, Harrill, Hassell, Hawkins, Head, Henry, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Kisber, Lawson, Long, May, McAfee, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Peroulas, Phillips, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, Whitson, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 63.

Representatives present and not voting were: DePriest, Miller, Rhinehart, Yelton -- 4.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

Rep. Frensley renewed his motion to adopt Amendment No. 4, which motion prevailed.

Thereupon, Rep. Bushing moved that House Bill No. 1956, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representative voting no was: Frensley -- 1.

A motion to reconsider was tabled.

House Bill No. 1886 -- Criminal Procedure -- Requires adult convicted of crime in complicity with juvenile to make restitution to state for cost of juvenile's treatment. Amends TCA, Title 40, Ch. 35, Pt. 3.

On motion, House Bill No. 1886 was made to conform with Senate Bill No. 1825.

On motion, **Senate Bill No. 1825**, on same subject, was substituted for House Bill No. 1886.

Rep. Bushing moved passage of Senate Bill No. 1825 on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee,

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representative voting no was: Moody -- 1.

A motion to reconsider was tabled.

***House Joint Resolution 0514 -- Memorials, Congress -- Urges Congress to provide funding for radon testing and mitigation.**

Rep. Bushing moved that House Joint Resolution No. 514 be adopted which motion prevailed by the following vote:

Ayes.	92
Noes.	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representative voting no was: Chiles -- 1.

A motion to reconsider was tabled.

***House Joint Resolution 0515 -- Memorials, Government Officials -- Directs the department of health and environment to act on the recommendations of the special joint committee to study radon.**

Rep. Bushing moved that House Joint Resolution No. 515 be adopted.

Rep. Hillis moved to amend as follows:

WEDNESDAY, APRIL 6, 1968 -- SEVENTY-NINTH LEGISLATIVE DAY

Amendment No. 1

Amend House Joint Resolution No. 515 by adding between the first and second resolving clause the following:

BE IT FURTHER RESOLVED, That the implementation of items 4, 5, 6, 7, 8, 9, and 11 are subject to the availability of additional federal funds.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bushing moved that House Joint Resolution No. 515, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	91
Noes.	1
Present and not voting.	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representative voting no was: Chiles -- 1.

Representative present and not voting was: Moody -- 1.

A motion to reconsider was tabled.

***House Joint Resolution 0462 -- Holidays -- Urges local governments and certain groups to proclaim observance of Martin Luther King holiday.**

Rep. R. Jones (Shelby) moved that House Joint Resolution No. 462 be adopted, which motion prevailed by the following vote:

Ayes.	78
Noes.	3
Present and not voting.	1

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Hassell, Hawkins, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, May, Miller, Montgomery, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Whitson, Williams, Wood, Yelton, Mr. Speaker Murray -- 78.

Representatives voting no were: Stafford, Ussery, Wolfe -- 3.

Representative present and not voting was: Duer -- 1.

A motion to reconsider was tabled.

House Bill No. 2276 -- Taxes, Gross Receipts -- Provides for quarterly filing under gross receipts tax. Amends TCA, Title 67, Ch. 4.

Rep. Robinson (Washington) moved that House Bill No. 2276 be passed on third and final consideration.

Rep. Bragg moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2276 by deleting Sections 1 through 7 and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-4-306 is amended by designating the current language as subsection (a) and by adding new language to be designated subsection (b) as follows:

(b) Whenever the operation of a business ceases during the privilege tax year, the business is entitled to a prorated refund of tax for the portion of such year during which it did not operate. This subsection shall not apply, however, to transfers of existing business.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it and shall be applicable to businesses ceasing operations on or after July 1, 1987.

Rep. Robinson (Washington) moved that House Bill No. 2276 be reset on the Calendar for Thursday, April 7, 1988, which motion prevailed.

***House Joint Resolution 0483 -- Education --** Requests public institutions of higher education to take certain steps to encourage more black students to pursue public education careers.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Rep. U. Jones (Shelby) moved that House Joint Resolution No. 483 be adopted, which motion prevailed by the following vote:

Ayes.....	81
Noes.....	3
Present and not voting.....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Good, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holcomb, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Love, May, Miller, Montgomery, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wood, Yelton, Mr. Speaker Murray -- 81.

Representatives voting no were: Henry, Stafford, Wolfe -- 3.

Representative present and not voting was: Chiles -- 1.

A motion to reconsider was tabled.

***House Bill No. 2368 -- Veterans -- Establishes Tennessee veterans' homes.**

Rep. Miller moved that House Bill No. 2368 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2368 by deleting Sections 1 and 2 in their entirety and by substituting the following:

Section 1. There shall be public homes for veterans in Tennessee known as "Tennessee State Veterans Homes". The primary purpose of the homes shall be to provide support and care for honorably discharged veterans who served in the United States Armed Forces. Said homes shall be established and operated only if federal Veterans' Administration funds are available to meet a substantial part of any construction costs incurred in the establishment of such homes. Additionally, each State Veterans Home established pursuant to this act must be eligible for and receive the federal Veterans' Administration per diem payments available to qualified residents in accordance with applicable federal regulations.

Section 2.

(a) There is hereby created a body, politic and corporate, to be known as the "Tennessee State Veterans Homes Board." The Board, a political subdivision and instrumentality of the State, shall be deemed to be acting in all respects for the benefit of the people of the state in the performance of essential public functions and shall be deemed to be serving a public purpose and improving and otherwise promoting their health, welfare, and prosperity.

(b) The Tennessee State Veterans Homes Board shall consist of ten (10) members. The Commissioner of the Department of Veterans' Affairs shall be an ex officio, voting member of the Board. The Commissioner may designate a member of his staff to attend meetings of the Board or its committees and to exercise his right to vote in his absence. Such designation shall be made in writing to the chairman of the Board. The remaining nine members shall be appointed by the Governor and shall be distributed evenly across the State with three (3) members appointed from each of the three grand divisions of the state. All appointments will be subject to review by the Joint Select Committee on Veterans' Affairs of the General Assembly. Initial appointments to the Board will be for 1, 2 and 3 years respectively for the three members from each grand division. Thereafter, all appointed members shall serve three year terms. Each member must be a citizen of the State of Tennessee and an honorably discharged veteran of the United States Armed Forces. Members shall be appointed from nationally chartered service organizations which have departments in Tennessee. It is the intent of the legislature that the Board be composed of members representing different organizations as well as different branches of the armed forces.

(c) The Governor shall appoint a member of the Board to serve as chairman. Each chairman shall serve for a term of one year and may be reappointed for additional terms.

(d) Vacancies occurring in an office of a member of the Board before the expiration of a term by reason of death, resignation, or any other reason shall be filled by the Governor in the same manner as a regular appointment for the remainder of the unexpired term.

Section 3. The Board, pursuant to applicable State and Federal law, is hereby vested and charged with those powers and duties necessary and proper to enable it to fully and effectively carry out the provisions of this chapter, including but not limited to:

(1) The authority to determine the location of the Tennessee State Veterans Homes. In selecting the sites, preference shall be given to publicly-owned land. Land for the sites may be purchased only if suitable publicly-owned land is not available;

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

(2) The authority to employ an executive director and other employees and to incur expenses as may be necessary for the proper discharge of its duties;

(3) The duty to adopt written policies and procedures to govern its internal operations;

(4) The authority to establish policies regarding the rates for patient care while in a State Veterans Home;

(5) The authority to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter, including contracts for the operation of the Tennessee State Veterans Homes. All contracts that pertain to the acquisition and improvement of real property, pursuant to Section 4-15-102, must be approved in advance by the State Building Commission. Contracts for services must also be approved in advance pursuant to Section 12-4-109;

(6) The authority to acquire, in the name of the Board, real or personal property or any interest therein, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise;

(7) The authority to hold, sell, assign, lease, rent, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or in its control, custody or possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including threat of foreclosure;

(8) The authority to incur debts, to borrow money, to issue debt instruments and to provide for the rights of the holders thereof;

(9) The authority to procure insurance against any loss in connection with its property and other assets in amounts and from insurers which it deems desirable;

(10) The authority to receive bequests and donations that may be made to improve the general comfort and welfare of the members of the home(s) or for the betterment of the home(s);

(11) The authority to seek advice from the United Tennessee Veterans Association (UTVA);

(12) The authority to seek assistance from the Commissioner of Finance and Administration, the Comptroller of the Treasury, the State Treasurer, and other state agencies; and

(13) Do other acts necessary or convenient to exercise the powers granted or reasonably implied in this section.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Section 4. At its first meeting, which shall be held as soon as practicable after the passage of this act, the Board shall elect a secretary from among its members. The Board shall also select other officers as the Board finds necessary and appropriate. Such positions are for a period of one year but members may be reelected to serve additional terms.

Section 5. Members of the Board shall not be compensated for services rendered to the homes, but will be compensated for necessary expenses incurred by a member in the performance of his/her official duties. All reimbursement for travel expenses shall be in accordance with the policies and guidelines approved by the Board, but shall not exceed the maximum reimbursement for travel expenses allowed by the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the Attorney General.

Section 6. If any matter before the Board involves a project, transaction, or relationship in which a member or his associated institution, business or board has a direct or a conflicting interest, the member shall make known to the Board that interest and shall be prohibited from participating in discussions and voting on that matter.

Section 7. Prior to the adoption of any resolution or other action of the Veterans Homes Board authorizing the incurrence of debt or the borrowing of funds or entering into any contract or other arrangement for the planning or preparation for the incurrence of debt or the borrowing of funds, the Veterans Homes Board shall review such plans with the division of bond finance in the office of the Comptroller of the Treasury. The state funding board is authorized to contract or to make other arrangements as it may deem necessary to provide for the issuance of such debt of the Veterans Homes Board, or in the funding board's discretion, the Veterans Homes Board may enter into such contracts or other arrangements; provided, however, that any contract or arrangement entered into for the purpose of the issuance or incurrence of debt shall be subject to the approval of the state funding board. Any resolution or other action of the Veterans Homes Board authorizing the issuance or incurrence of debt shall be submitted to the state funding board, and such resolution or other action shall only become effective upon receiving the approval of the state funding board. Any instrument or document evidencing the debt of or borrowing of funds by the Veterans Homes Board shall contain on the face thereof a statement to the effect that the debt or obligation is not a debt of the state, but is payable solely from revenues and moneys pledged to the payment thereof.

Section 8. The administrator of each home shall deposit with the State Treasurer funds paid by veterans for their maintenance, funds received from the United States Treasury and other funds given or granted to the home, including state funds. Such funds may be invested in the Local Government Investment Pool pursuant to Section 9-4-701, et.seq. The Board is authorized to accept funds from any source whatever, including the federal government or any

department or board thereof. All such funds received by the Board for such State Veterans Homes, including funds from the United States government or any federal board or program for the support of persons housed on the grounds of Tennessee State Veterans Homes, shall be used by the Board to pay maintenance, operational and administrative expenses and to further the objectives and purposes of the Tennessee State Veterans Homes. The Board may establish such bank accounts pursuant to Section 9-4-302 as are necessary for the efficient management of the homes.

Section 9. The Board shall make an annual report to the Governor. This report shall contain an accounting for all money received and expended, statistics on members who resided in the home during the year, recommendations to the Governor and Legislature and such other matters as the Board deems pertinent.

Section 10. At least thirty (30) days prior to the beginning of each fiscal year, the Board shall submit a plan of operation for review and approval to the Commissioner of Veterans' Affairs, the Commissioner of Finance and Administration and the Comptroller of the Treasury. The plan of operation shall be in such form as may be required by the state officials enumerated in this section and shall include, but not be limited to, a budget for operating and capital expenditures and appropriate policies and procedures adopted by the Board to govern the expenditure of said funds. The plan of operation may be amended during a fiscal year with the written approval of the Commissioner of Veterans' Affairs, the Commissioner of Finance and Administration and the Comptroller of the Treasury.

Section 11. The Comptroller of the Treasury shall make an annual audit of the program established by this Act as part of the Comptroller's annual audit pursuant to Section 9-3-211.

Section 12. It is the intention of the General Assembly that, in establishing Tennessee State Veterans Homes, the state shall apply for a grant from the United States Veterans' Administration and/or obtain their approval for leasing existing facilities pursuant to the provisions of Public Law 95-62 (Title 38 U.S.C. Sections 5031-5037). The Department of Veterans' Affairs is hereby authorized to submit such an application(s) on behalf of the Board and take other preparatory actions to identify existing facilities for lease or purchase and process the necessary Requests for Proposals to a point so that contract negotiations could begin with the Board when it is established.

Section 13. This Act shall take effect on becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Miller moved that House Bill No. 2368, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR SPEAKER: Pursuant to **House Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 2368 and have this statement entered in the Journal.

Rep. Frensley

REGULAR CALENDAR, CONTINUED

House Bill No. 2136 -- Public Records -- Allows court to assess attorney fees and court costs against governmental unit willfully and knowingly refusing to disclose public record. Amends TCA 10-7-506.

Rep. Purcell moved that House Bill No. 2136 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to House Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 2136 and have this statement entered in the Journal.

Rep. West

REGULAR CALENDAR, CONTINUED

House Bill No. 2137 -- Public Records -- Makes library records concerning who obtains materials and the types of materials obtained confidential records. Amends TCA, Title 10, Chs. 1, 3--5.

Rep. Purcell moved that House Bill No. 2137 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

Representative voting no was: Copeland -- 1.

A motion to reconsider was tabled.

House Bill No. 2138 -- Public Records -- Permits public inspection of records relating to claims filed against the state. Amends TCA 9-8-307.

Rep. Purcell moved that House Bill No. 2138 be passed on third and final consideration.

Rep. C. Turner (Shelby) moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2138 by deleting SECTION 1 in its entirety and substituting instead the following:

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

SECTION 1. Tennessee Code Annotated, Section 9-8-307, is amended by deleting the final sentence of subsection (a)(3) in its entirety and substituting instead the following:

The portion of the records in possession of the Division of Claims Administration containing the amount of funds reserved for each claim for the Claims Award Fund shall be confidential and not subject to the provisions of Tennessee Code Annotated, Section 10-7-503, until the final adjudication of the claim.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 2138, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 2140 -- Public Records -- Requires report filed with commissioner of health and environment on location of water wells to become public record after certain period. Amends TCA 69-11-103.

Rep. Purcell moved that House Bill No. 2140 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	2

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Bell, Phillips -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to House Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 2140 and have this statement entered in the Journal.

Rep. Bell

REGULAR CALENDAR CONTINUED

House Bill No. 2141 -- Public Records -- Provides exception to Open Records Act for testing instruments used by departments of personnel or education. Amends TCA, Titles 8, 49.

Rep. Purcell moved that House Bill No. 2141 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2141; Renumber the existing Section 2 to Section 4.

Add the following new sections.

SECTION 2. Tennessee Code Annotated, Section 49-6-6001, is amended by adding the following as a new subsection:

(d) All tests developed or used to implement this section, all banks of questions, all field testing documents used as background for the development of the tests, and all answers shall be kept confidential when and for so long as is necessary to protect the integrity of the tests.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

SECTION 3. Tennessee Code Annotated, Section 49-1-302, is amended by adding the following as a new subsection:

(g) All statewide tests developed or provided by the department of education to measure individual student progress and achievement, all banks of questions, all field testing documents used as background for the development of the tests, and all answers shall be kept confidential when and for so long as is necessary to protect the integrity of the tests.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 2141, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, Love, May, McAfee, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

House Bill No. 2142 -- Public Records -- Makes investigative records of Department of Correction, Internal Affairs Division, public upon the completion of investigation. Amends TCA, Title 4, Ch. 6, 10-7-504; Title 40, Ch. 28, 41-21-224.

Rep. Purcell moved that House Bill No. 2142 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2142 by deleting SECTION 2 in its entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-6-140, is amended by adding the following new subsection:

(c) Notwithstanding any other provision of law to the contrary, all inmate records and the information contained therein shall be open for public inspection. Provided, however, any information contained in an inmate record that is otherwise made confidential by the provisions of Tennessee Code Annotated, Section 10-7-504, shall remain confidential. Provided further that the commissioner shall have the authority to delete from any such record the name of or any identifying information concerning any department employee, law enforcement officer or informant or other inmate if, in his opinion, public disclosure of such name or information would place the safety of such employee, law enforcement officer, informant, or inmate in jeopardy. If the commissioner determines that a name or identifying information cannot be deleted in a manner sufficient to protect any such person, he may refuse to disclose the document in which such name or identifying information appears.

SECTION 3. Tennessee Code Annotated, Section 41-21-224, is amended by deleting subsection (c) in its entirety.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 2142, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolf, Wood, Mr. Speaker Murray -- 91.

Representative voting no was: Chiles -- 1.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

House Bill No. 2156 -- Taxes, Hotel Motel -- Limits jurisdiction of privilege taxes on occupancy of hotels. Amends TCA, Title 67.

Speaker Murray moved that House Bill No. 2156 be reset on the Calendar for Monday, April 11, 1988, which motion prevailed.

***House Joint Resolution 0452 -- Memorials, Government Officials --** Directs the Tennessee Higher Education Commission and the Tennessee Student Assistance Corporation to conduct a joint study of the adequacy and availability of higher education student loans.

Rep. King moved that House Joint Resolution No. 452 be adopted which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

***House Joint Resolution 0597 -- Memorials, Government Officials --** Urges and requests promotion of waterways.

Rep. Ridgeway moved that House Joint Resolution No. 597 be adopted which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier,

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

***House Joint Resolution 0600** -- Memorials, Government Officials -- Encourages and requests airport improvements.

Rep. Ridgeway moved that House Joint Resolution No. 600 be adopted which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

House Bill No. 2449 -- Cookeville -- Revises terms of office of trustees of Cookeville General Hospital. Amends Chapter 223, Private Acts of 1961, as amended.

Due to Rep. Jared's absence, House Bill No. 2449 was moved to Monday, April 11, 1988.

House Bill No. 1596 -- Firearms and Ammunition -- Prohibits carrying loaded rifle in passenger area of motor vehicle. Amends TCA, Title 39, Ch. 6.

On motion, House Bill No. 1596 was made to conform with Senate Bill No. 1647.

On motion, **Senate Bill No. 1647**, on same subject, was substituted for House Bill No. 1596.

Rep. Hillis moved that Senate Bill No. 1647 be passed on third and final consideration.

Rep. Hillis moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1647 by adding the following as a new appropriately numbered section:

Section _____. The provisions of this act shall not be construed as prohibiting a handicapped person from hunting from a stationary automobile as authorized by Tennessee Code Annotated, Section 70-4-109(c).

On motion, Amendment No. 1 was adopted.

Rep. Severance moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1647 by deleting the period (.) at the end of the amendatory section added by Senate Amendment 4 and substituting instead the words and punctuation "and only to the geographic area in which such big game season is in effect."

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Hillis moved that Senate Bill No. 1647, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	3
Present and not voting.	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Crain, Tanner, Ussery -- 3.

Representatives present and not voting were: Head, Lawson -- 2.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Resolution No. 0117 -- Memorials, Congratulations -- Honors Ed Nichols, Jr. Director, and Tullahoma High School Band on selection as Goodwill Musical Ambassadors in Nassau, Bahamas.

House Resolution No. 0118 -- Memorials, Personal Achievement -- Congratulates Kristi Hubbard on selection as National Merit Scholar.

House Resolution No. 0119 -- Memorials, Congratulations -- Recognizes Oliver Springs Elementary school on being chosen as A+ School.

House Joint Resolution 0660 -- Memorials, Professional Achievement -- Honors Jerry W. Preston on receipt of fellowship in Construction Specifications Institute.

Senate Joint Resolution 0417 -- Memorials, Retirement -- Honors Scott Brown on his retirement as editor and publisher of Claiborne Progress newspaper.

Senate Joint Resolution 0435 -- Memorials, Congratulations -- Congratulates Senator and Mrs. John T. Hicks on fortieth wedding anniversary.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **House Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 2141 and have this statement entered in the Journal.

Rep. Miller

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0513 -- Veterinarians -- Increases certain fees and requirements for licensure as a veterinarian. Amends TCA, Title 63, Ch. 12.

Senate Amendment No. 1

Amend House Bill No. 513 by deleting in Section 3 the words and figures "fifty dollars (\$50.00)" and by substituting instead the words and figures "one hundred dollars (\$100.00)

Rep. Starnes moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 94.

A motion to reconsider was tabled.

Mr. Speaker Murray resumed the Chair.

House Bill No. 1739 -- Taxes, Real Property -- Extends time for reappraisal of real property. Amends TCA 67-5-1601.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Senate Amendment No. 1

Amend House Bill No. 1739 by deleting new Section 2 in its entirety added by House Amendment No. 1 and Amendment No. 1 to Amendment 1, and by renumbering the effective date section accordingly.

Rep. Bragg moved that the House concur in Senate Amendment No. 1, then he withdrew his motion.

Rep. Bragg moved that House Bill No. 1739 be reset on the Calendar for Thursday, April 7, 1988, which motion prevailed.

House Bill No. 1740 -- Taxes, Assessment -- Redefines "back assessment" for the purpose of certain property assessments. Amends TCA 67-1-1001.

Senate Amendment No. 1

Amend House Bill No. 1740 by adding the following language as a new section to immediately precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 67-1-1001 is amended by designating the existing language as subsection (a) and by adding the following new subsection:

(b) Provided, this section shall not be construed to affect in any manner the operation of Section 67-1-1004, relative to the protection of a bona fide purchaser.

Rep. Bragg moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, J. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

***House Bill No. 2215 -- Handicapped Persons --** Authorizes discount for disabled residents to camp in state parks. Amends TCA, Title 11, Ch. 3.

Senate Amendment No. 2

Amend House Bill No. 2215 by adding the following new section before the last section and by redesignating the last section appropriately:

Section ____ Tennessee Code Annotated, Section 11-3-116, is further amended by adding the following subsection to the end thereof:

() For purposes of this section, there shall be a presumption of disability for any person who displays a distinctive license plate or placard issued pursuant to Tennessee Code Annotated, Section 55-21-103.

Rep. Yelton moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Pursuant to Rule No. 78, Representative Robinson (Davidson) moved that House Bill No. 2494, having been filed after the tenth legislative day, be brought to the floor of the House from the Transportation Committee and placed on the calendar for Thursday, April 7, 1988, which motion prevailed by the following vote:

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Ayes. 93
Noes. 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

RULES SUSPENDED

Pursuant to **Rule No. 78**, Representative Hurley moved that House Bill No. 2479, having been filed after the tenth legislative day, be brought to the floor of the House from the Judiciary Committee and placed on the calendar for Thursday, April 7, 1988, which motion prevailed by the following vote:

Ayes. 91
Noes. 2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 91.

Representatives voting no were: Naifeh, Mr. Speaker Murray -- 2.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

RULES SUSPENDED

Pursuant to **Rule No. 78**, Representative Bivens moved that House Bill No. 2475, having been filed after the tenth legislative day, be brought to the floor of the House from the Commerce Committee and placed on the calendar for Thursday, April 7, 1988, which motion prevailed by the following vote:

Ayes.....	91
Noes.....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 91.

Representatives voting no were: Naifeh, Mr. Speaker Murray -- 2.

A motion to reconsider was tabled.

BILL RE-REFERRED

Rep. Pruitt moved that House Bill No. 67 be recalled from the General Welfare Committee and referred to the Judiciary Committee.

RULES SUSPENDED

Rep. Pruitt moved to suspend **Rule No. 81 (1)**, relative to the time for placing bills on notice in Committee, so the House Bill No. 67 can be heard by the Judiciary Committee on Tuesday, April, 12, 1988, which motion prevailed.

BILL RE-REFERRED

Rep. R. Jones (Shelby) moved that House Bill No. 2236 be recalled from the Commerce Committee and referred to the State and Local Government Committee.

BILL RE-REFERRED

Rep. U. Jones (Shelby) moved that House Joint Resolution No. 611 be recalled from the State and Local Government Committee and referred to the Education Committee.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

RULES SUSPENDED

Rep. U. Jones (Shelby) moved to suspend **Rule No. 81 (1)**, relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 611 can be heard by the Education Committee on Tuesday, April 12, 1988, which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1765; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

NOTICE TO ACT ON SENATE AMENDMENTS

Pursuant to **Rule No. 59**, the sponsors gave notice of intent to consider the following measure from the Senate on Thursday, April 7, 1988:

House Bill No. 1765: Rep. Naifeh

BILLS WITHDRAWN

On motion of Rep. King, House Bill No. 1404 was recalled from the Education Committee.

On motion of Rep. King, House Bill No. 1404 was withdrawn from the House.

RULES SUSPENDED

Rep. Rhinehart moved to suspend **Rule No. 81 (1)**, relative to the time for placing bills on notice in Committee, so that all bills reported out of Finance, Ways and Means subcommittee today can be heard by the Finance, Ways and Means Committee on Tuesday, April 12, 1988.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 67: Reps. Love and Purcell added as prime sponsors.

House Joint Resolution No. 667: Reps. Herron, Bell, Tankersley, Coffey, Davidson, Bushing, Good, Whitson, Bivens and Bragg added as prime sponsors.

House Bill No. 1886: Rep. Herron added as a prime sponsor.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

House Bill No. 2136: Reps. Herron and Clark added as prime sponsors.

House Bill No. 2321: Reps. Bivens and Bragg added as prime sponsors.

House Bill No. 2368: Reps. Drew and Herron added as prime sponsors.

House Bill No. 2417: Reps. Love and Herron added as prime sponsors.

House Bill No. 2479: Rep. Drew added as a prime sponsor.

ANNOUNCEMENTS

Pursuant to TCA 3-15-204, the Select Joint Committee on Children and Youth has filed its 1987 annual report with the House Clerk's Office.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0120 -- Memorials, Professional Achievement -- Honors Carrie Saxon Perry, mayor of Hartford, Connecticut. by *Dixon, *DeBerry.

The Speaker referred House Resolution No. 120 to the Calendar and Rules Committee.

House Joint Resolution 0662 -- Memorials, Sports -- Honors Coach Larry White and Red Boiling Springs High School girls' basketball team on reaching TSSAA Class A state tournament. by *Winningham.

The Speaker referred House Joint Resolution No. 662 to the Calendar and Rules Committee.

House Joint Resolution 0663 -- Memorials, Sports -- Honors Coach David L. Wallace and Stewart County High School girls' basketball team. by *Collier.

The Speaker referred House Joint Resolution No. 663 to the Calendar and Rules Committee.

House Joint Resolution 0664 -- Memorials, Sports -- Honors Chris Gaines on selection as 1987 Amateur Athlete of Year. by *West.

The Speaker referred House Joint Resolution No. 664 to the Calendar and Rules Committee.

House Joint Resolution 0665 -- Memorials, Sports -- Honors Vanderbilt University senior basketball center Will Perdue on being selected SEC Player of the Year. by *Chiles, *Kisber, *Crain.

The Speaker referred House Joint Resolution No. 665 to the Calendar and Rules Committee.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

House Joint Resolution 0666 -- Memorials, Sports -- Honors Vanderbilt basketball coach C. M. Newton on being selected SEC Coach of the Year. by *Chiles, *Kisber.

The Speaker referred House Joint Resolution No. 666 to the Calendar and Rules Committee.

House Joint Resolution 0667 -- Memorials, Public Service -- Honors GTE Corporation for its literacy campaign. by *Duer, *Hillis, *Rhinehart, *Jared, *Burnett, *Winningham.

The Speaker referred House Joint Resolution No. 667 to the Calendar and Rules Committee.

House Joint Resolution 0669 -- Memorials, Congratulations -- Honors marriage of Amy Hargrove and George Cate, III. by *Bushing.

The Speaker referred House Joint Resolution No. 669 to the Calendar and Rules Committee.

House Joint Resolution 0670 -- Memorials, Sports -- Honors Collingwood High School cheerleaders on receipt of "Good Sportmanship" award. by *Ivy.

The Speaker referred House Joint Resolution No. 670 to the Calendar and Rules Committee.

***House Joint Resolution 0671** -- Memorials, Government Officials -- Requests Department of Employment Security to consider establishing cash bonus program for displaced persons who have gained employment. by *Herron.

The Speaker referred House Joint Resolution No. 671 to the Labor and Consumer Affairs Committee.

***House Joint Resolution 0672** -- Memorials, Government Officials -- Requests Department of Health and Environment to study imposition of sales tax on hazardous substances. by *Herron.

The Speaker referred House Joint Resolution No. 672 to the Conservation and Environment Committee.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Senate Joint Resolution 0419 -- Memorials, Sports -- Honors Coach Jack H. Harlow and Franklin County High School girls' basketball team on reaching quarter finals of TSSAA Class AAA state tournament.

The Speaker referred Senate Joint Resolution No. 419 to the Calendar and Rules Committee.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution 0424 -- Memorials, Congratulations -- Honors Mr. and Mrs. Edgar Orman on sixtieth wedding anniversary.

The Speaker referred Senate Joint Resolution No. 424 to the Calendar and Rules Committee.

Senate Joint Resolution 0430 -- Memorials -- Honors Brandon Rowland for being recognized by Le Bonheur Children's Medical Center as the 1988 Miracle Child.

The Speaker referred Senate Joint Resolution No. 430 to the Calendar and Rules Committee.

Senate Joint Resolution 0433 -- Memorials, Congratulations -- Honors Parsons Lions Club on 50th anniversary.

The Speaker referred Senate Joint Resolution No. 433 to the Calendar and Rules Committee.

Senate Joint Resolution 0436 -- Memorials, Personal Achievement -- Honors Tony Cates on acceptance to United States Air Force Academy.

The Speaker referred Senate Joint Resolution No. 436 to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

***Senate Joint Resolution 0311** -- Insurance, Health, Accident -- Urges the board of directors of the Comprehensive Health Insurance Pool to provide newborn coverage.

The Speaker referred Senate Joint Resolution No. 311 to the Commerce Committee.

***Senate Joint Resolution 0393** -- Highways, Roads and Bridges -- Provides for directional signs for Cypress Grove Nature Park on I-40.

The Speaker referred Senate Joint Resolution No. 393 to the Transportation Committee.

***Senate Joint Resolution 0394** -- Highways, Roads and Bridges -- Provides for directional signs for Jackson-Madison County Hospital on I-40.

The Speaker referred Senate Joint Resolution No. 394 to the Transportation Committee.

Senate Joint Resolution 0413 -- General Assembly, Studies -- Creates a joint study committee to study electric cooperatives.

The Speaker referred Senate Joint Resolution No. 413 to State and Local Government.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

Senate Joint Resolution 0414 -- General Assembly, Studies -- Creates special joint committee to study administration of regulatory boards, commissions and entities.

The Speaker referred Senate Joint Resolution No. 414 to the Government Operations Committee.

***Senate Joint Resolution 0423** -- Memorials, Government Officials -- Requests the State Board of Education, Board of Trustees and Board of Regents to study civic illiteracy in Tennessee.

The Speaker referred Senate Joint Resolution No. 423 to the Education Committee.

INTRODUCTION OF BILLS

House Bill No. 2497 -- Wayne County -- Removes prohibition on number of terms commissioner may serve; regulates filling vacancies on board or office of superintendent. Amends Chapter 89, Private Acts of 1953, as amended. by *Ivy.

Passed first consideration.

House Bill No. 2498 -- Dickson County -- Changes location of affixing tax decal; provides free wheel stickers to certain persons. Amends Chapter 206, Private Acts of 1976. by *Jackson.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

***Senate Bill No. 1578** -- Abortion -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2250.

***Senate Bill No. 2043** -- Civil Service -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2333.

***Senate Bill No. 2167** -- Hospitals and Health Care Facilities -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1942.

***Senate Bill No. 2224** -- Racing -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2044.

Senate Bill No. 2406 -- Teenage Pregnancy -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2346.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2496 -- Auburntown -- Passed second consideration and held on the Clerk's desk.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

REPORTS FROM STANDING COMMITTEES

COMMERCE

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1026 (with amendment), 1127 (with amendments), 1626, 1856 (with amendment), 2025 (with amendment), 2077, 2209 (with amendment), 2261 (with amendment) and 2283; recommend for adoption House Joint Resolution No. 451.

We further recommend that, pursuant to **House Rule No. 72**, House Bills Nos. 1695 (with amendment) and 2359 be referred to the Committee on Finance, Ways and Means.

TANNER, Chairman.

Under the rules, House Bills Nos. 1026 (with amendment), 1127 (with amendments), 1626, 1856 (with amendment), 2025 (with amendment), 2077, 2209 (with amendment), 2261 (with amendment) and 2283; and House Joint Resolution No. 451 were transmitted to the Committee on Calendar and Rules.

Pursuant to **House Rule No. 72**, the Speaker referred House Bills Nos. 1695 (with amendment) and 2359 be referred to the Committee on Finance, Ways and Means.

CONSERVATION AND ENVIRONMENT

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we recommend that pursuant to House Rule No. 72, House Bill No. 2302 be referred to Finance, Ways and Means.

HILLIS, Chairman.

Pursuant to **House Rule No. 72**, the Speaker referred House Bill No. 2302 to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1467 and 424 (with amendment).

DAVIDSON, Chairman.

Under the rules, House Bills Nos. 1467 and 424 (with amendment) were transmitted to the Committee on Calendar and Rules.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1521 and 2421; and recommend for concurrence Senate Joint Resolution No. 334.

BRAGG, Chairman.

Under the rules, House Bills Nos. 1521 and 2421 and Senate Joint Resolution No. 334 were transmitted to the Committee on Calendar and Rules.

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1789, 2250 (with amendments) and 2383 (with amendments); and recommend for adoption House Joint Resolution No. 645.

STARNES, Chairman.

Under the rules, House Bills Nos. 1789, 2250 (with amendments) and 2383 (with amendments) and House Joint Resolution No. 645 were transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 519 (with amendment), 1365 (with amendment), 1881 (with amendment), 2075, 2090, 2189 (with amendment), 2291, 2403 and 2430.

We further recommend that, pursuant to **House Rule No. 72**, House Bill No. 1930 be referred to the Committee on Finance, Ways and Means.

BUCK, Chairman.

Under the rules, House Bills Nos. 519 (with amendment), 1365 (with amendment), 1881 (with amendment), 2075, 2090, 2189 (with amendment), 2291, 2403, and 2430 were transmitted to the Committee on Calendar and Rules.

Pursuant to **House Rule No. 72**, the Speaker referred House Bill No. 1930 to the Committee on Finance, Ways and Means.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1373, 1390, 1571, 1618 (with amendment) 1758, 1802 (with amendment), 2044, 2162 (with amendment), 2274, 2275, 2431; and recommend for adoption House Joint Resolutions Nos. 567, 568, 577, 581 and 661.

We further recommend that, pursuant to **House Rule No. 72**, House Bill Nos. 1964 (with amendment) be referred to the Committee on Finance, Ways and Means.

MILLER, Chairman.

Under the rules, House Bills Nos. 1373, 1390, 1571, 1618 (with amendment), 1758, 1802 (with amendment), 2044, 2162 (with amendment), 2274, 2275 and 2431; and House Joint Resolutions Nos. 567, 568, 577, 581 and 661 were transmitted to the Committee on Calendar and Rules.

Pursuant to **House Rule No. 72**, the Speaker referred House Bill No. 1964 (with amendment) to the Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bill No. 2218 (with amendments) and recommend for adoption House Joint Resolution No. 616

ROBINSON, Chairman.

Under the rules, House Bill No. 2218 (with amendments) and House Joint Resolution No. 616 were transmitted to the Committee on Calendar and Rules.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 2408 and 1766, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 2332; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1496, 1678, 1966, 2153, 2241, 2434; and House Joint Resolutions Nos. 470, 486, 561, 604, 607, 609, 612, 613, 614, 615, 619, 623, 624, 629, 646; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1483, per your request.

DAVID H. WELLES,
Counsel to the Governor.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1483; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bill No. 1483.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1483, signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1578, passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1578 -- Abortion -- Requires parental consent for minor seeking abortion; establishes judicial bypass mechanism.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 1483, for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1500, 1743, 1947, 1998, 2052, 2102, 2126, 2148, 2157, 2297, 2365 and 2432; and House Resolution No. 116, and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1500, 1743, 1792, 1947, 1998, 2052, 2102, 2126, 2148, 2157, 2297, 2365 and 2432; House Resolution No. 116; and House Joint Resolutions Nos. 464, 484, 492, 495, 501, 503, 504, 505, 605, 606, 608, 631, 632, 633, 634, 635, 636, 637, 638, 640, 641, 642, 643, 644 and 648 .

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1483, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 674 and 675; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 674 and 675; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 439, 1700 and 2417; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 2272; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 1497; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 674 and 675; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 674 and 675.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 462, 483 and 514; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 668; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 439, 541, 1325, 1553, 1779 and 2038; all substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 2136, 2138, 2141 and 2349; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have examined House Bills Nos. 2137, 2140, 2142 and 2368; and House Joint Resolutions Nos. 452, 515, 597, 600, 660; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1944, 1952, 2040 and 2070; all substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1500, 1743, 1792, 1947, 1998, 2052, 2102, 2126, 2148, 2157, 2297, 2365 and 2432; also, House Joint Resolutions Nos. 464, 484, 492, 495, 501, 503, 504, 505, 605, 606, 608, 631, 632, 633, 634, 635, 636, 637, 638, 640, 641, 642, 643, 644, 648, 674 and 675; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1105, 1400, 1470, 1492, 1672, 1724, 1813, 1831, 1889, 2141, 2192, 2295, 2342 and 2426; also, Senate Joint Resolution No. 437; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 1956; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 439, 541, 1325, 1553, 1779, 1944, 1952, 2038, 2040 and 2070; House Resolutions Nos. 118 and 119; and House Joint Resolution No. 668; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.: 447; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution 0447 -- General Assembly, Proclamations -- Proclaims April 10-16, 1988 as National Community Development Week.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1179, 1348, 1562, 1635, 1900, 1909, 1936, 1998, 2004, 2022, 2175, 2353, 2368 and 2517; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1179 -- Election Laws -- Prohibits at-large elections of members of county legislative bodies in Shelby County. Amends TCA, Title 2, Ch. 5, Pt. 5.

***Senate Bill No. 1348** -- Sports -- Authorizes civil cause of action against person who violates rule of NCAA.

***Senate Bill No. 1562** -- Motor Vehicles, Titling and Registration -- Allows surviving spouse to retain POW plate. Similar to *HB 1385.

***Senate Bill No. 1635** -- Education, Higher -- Allows certain out of state students to attend Chattanooga State Technical Community College without payment of out of state tuition. Amends TCA 49-8-102.

***Senate Bill No. 1900** -- Insurance Companies, Agents, Brokers -- Requires payment of assigned insurance benefits in certain circumstances. Amends TCA 68-11-219.

***Senate Bill No. 1909** -- Probation -- Allows court to place defendants guilty of certain felonies on probation.

Senate Bill No. 1936 -- Racing -- Prohibits issuance of general obligation bonds for racetracks. Amends TCA, Title 4, Ch. 36.

***Senate Bill No. 1998** -- Teachers -- Reduces continuing education requirements for certain teachers; repeals regional certification commission. Amends TCA, Title 49, Ch. 5, Pts. 50--57.

Senate Bill No. 2004 -- Oil and Gas -- Changes oil and gas well spacing requirements in certain counties. Amends TCA 60-1-106.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

***Senate Bill No. 2022** -- Business and Commerce -- Authorizes certain new procedures, damages and charges relative to collection of bad checks. Amends TCA, Title 39, Ch. 3; Title 47.

***Senate Bill No. 2175** -- Banks and Financial Institutions -- Increases net worth and bond requirements for money order issuers. Amends TCA, Title 45, Ch. 7, Pt. 1.

Senate Bill No. 2353 -- Insurance, Health, Accident -- Creates the "Long Term Care Insurance Act". Amends TCA, Title 56.

***Senate Bill No. 2368** -- Taxes, Gross Receipts -- Provides for quarterly filing under gross receipts tax. Amends TCA, Title 67, Ch. 4.

Senate Bill No. 2517 -- Auburntown -- Changes date of elections. Amends Chapter 65, Private Acts of 1949.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with **Rule No. 48**, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 2496, 2166, 2167 and 2465.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills and/or resolutions on the Consent Calendar for Thursday, April 7, 1988: House Resolution No. 120; House Joint Resolutions Nos. 662, 663, 664, 665, 666, 667, 669, 670; Senate Joint Resolutions Nos. 419, 424, 430, 433 and 436; also, House Bills Nos. 2496, 2166, 2167 and 2465 .

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills and/or resolutions on the calendar for Monday, April 11, 1988: Senate Bill No. 1820 and House Bills Nos. 2416, 2451, 1871, 108, 1526 and 1662.

PHILLIPS, Chairman.

WEDNESDAY, APRIL 6, 1988 -- SEVENTY-NINTH LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills and/or resolutions on the Consent Calendar for Monday, April 11, 1988: House Bill No. 1528; House Resolution No. 97; House Bill No. 1986; House Joint Resolution No. 627 and House Bill No. 1942.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills and/or resolutions on the calendar for Wednesday, April 13, 1988: House Bills Nos. 839 and 809; House Joint Resolutions Nos. 520 and 593; Senate Joint Resolutions Nos. 370, 244 and 249; and House Bills Nos. 2300, 1733, 1494, 2019, 2020, 2234, 1385, 1329, 1548, 1582, 2182, 1818, 2395, 2243 and 2181.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills and/or resolutions on the calendar for Thursday, April 14, 1988: House Bill No. 150.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frenseley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

On motion of Rep. Naifeh, the House adjourned until 9:00 A.M. Thursday, April 7, 1988.